

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LISA VASQUEZ on Behalf of Herself and Her Infant DAUGHTER, J.V.,	:	
<i>Plaintiffs,</i>	:	22 Civ. 3360 (PAC)
-against-	:	
	:	<b><u>Order</u></b>
THE NEW YORK CITY DEPARTMENT OF EDUCATION,	:	
<i>Defendants.</i>	:	
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On March 27, 2023, the Court held a pre-motion conference regarding Plaintiff's request to enforce compliance with the Court's February 9, 2023, preliminary injunction ordering Defendant to provide J.V. with compensatory education services as provided in prior administrative orders. *See* ECF Nos. 42, 48, 49. Specifically, while the parties agreed that Defendant is responsible for transporting J.V. to and from her selected service provider, they disagreed as to what form that transportation must take. *Id.* The parties at the conference informed the Court that they agreed that Defendant will provide transportation through Driver's Cooperative, one of the three options presented by Defendant. *See* ECF No. 49, at 2.

However, the parties now disagree who bears the burden of locating a chaperone to accompany J.V. The relevant orders specify only that "[i]f the student should require a travel aide, the provision of that aide will be at the district expense." *See* ECF No. 39, Ex. 2 at 70 ("2018 IHO Order 173490"). Defendant has represented that, because J.V. is receiving services from a third-party provider outside of the City's standard transportation network, it has been unable to find a chaperone. The Court therefore

directed Plaintiff to find a provider, to be funded by the Defendant.

The Court further encourages the parties to seek the advice and adjudication, where appropriate, of the City's administrative hearing officers who specialize in and are highly experienced with nuanced decisions regarding the City's resources and J.V.'s acute educational needs, particularly because it appears that J.V.'s educational plan that serves as the basis for the Court's decision is nearly five years outdated. Plaintiff is **DIRECTED** to find a suitable chaperone and Defendant is **ORDERED** to fund the chaperone, once located.

Dated: New York, New York  
March 27, 2023

SO ORDERED

A handwritten signature in black ink, appearing to read "Paul A. Crotty", is written over a horizontal line.

HONORABLE PAUL A. CROTTY  
United States District Judge